

FLORIDA WORKERS' COMPENSATION NEWSLETTER

Here are summaries of the most recent decisions in Florida Workers' Compensation Law. Please contact us if we can be of any assistance in further interpreting these cases or applying them to your claims. We are available at the below contact points to discuss these or any other issues at your convenience. Remember, these opinions were just released and are not final until the time expires to file a motion for rehearing and that is ultimately ruled on. Feel free to contact us to determine when the opinions become final.

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In Amanda Harrell v. Citrus County School Board and FSBIT Insurance Trust the 1st DCA addressed the claimant's request for a one time change in authorized treating physicians per section 440.13(2)(f), Florida Statutes (2006). This section requires an alternate doctor to be provided within 5 days of the request being received. Here the claimant made the request for a change on October 9, 2008. On October 14, 2008 the attorney for the e/c sent a letter to the claimant's attorney agreeing to the change, but it did not identify a new doctor. The letter merely said that one would be authorized and an appointment would be set up. On October 28, 2008 a letter was sent scheduling an appointment with a specific doctor. The 1st DCA ruled that this was not a timely authorization of the change in doctors and found that the claimant was justified in obtaining treatment on his own. The 1st DCA ruled that the JCC erred in denying the claimant's request for a change in doctors. However, the Court pointed out that "to timely respond to a claimant's request, an e/c is not required to schedule and appointment with the newly authorized physician." All that is required is that the e/c specifically identify and name the doctor that is being supplied.